

Message Text

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ORIGIN EA-10

INFO OCT-01 AF-06 EUR-12 ISO-00 L-02 IO-10 SAJ-01 SAM-01

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DODE-00 PM-03 H-01 INR-07 NSAE-00 NSC-05 PA-01 RSC-01

PRS-01 SP-02 SS-15 /085 R

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IO/UNP-CWSCHALLER AF/E:G.GAY

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FM SECSTATE WASHDC

TO AMEMBASSY NAIROBI IMMEDIATE

INFO AMEMBASSY SAIGON IMMEDIATE

USMISSION GENEVA IMMEDIATE

AMEMBASSY BERN

USMISSION USUN NEW YORK

USDEL JEC PARIS

C O N F I D E N T I A L STATE 022863

E.O. 11652:GDS

TAGS: PFOR, PARM, VS, VN

SUBJECT: PRG ISSUE AT LOW CONFERENCE

REFS: A. NAIROBI 0688; B. STATE 8673

1. WE ARE ENCOURAGED BY YOUR REPORT (REF A) THAT KENYAN MOFA LEGAL DIVISION IS ATTRACTED TO U.S. POSITION ON APPLICATION OF RULE 32.

2. BASIC THRUST OF U.S. ARGUMENT ON THIS PROCEDURAL ISSUE IS CONTAINED IN PARAS 6-8 OF REF B.

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3. WITH RESPECT TO KENYAN QUESTION IN PARA 3 OF REF A,

SECOND SESSION IS CLEARLY CONTINUATION OF FIRST. CONFERENCE RULES OF PROCEDURE ADOPTED AT FIRST SESSION CONTINUE TO APPLY; INVITATIONS MADE AT FIRST SESSION (FOR EXAMPLE, TO AFRICAN NLMS AS OBSERVERS) WILL APPLY TO SECOND SESSION AS WELL; AND CREDENTIALS OF FIRST SESSION REMAIN VALID FOR SECOND. UNGA RESOLUTION 3319 (XXIX), DEALING WITH LOW CONFERENCE, IDENTIFIES COMING SESSION AS "SECOND SESSION" AND CLEARLY IMPLIES IT IS MERE CONTINUATION OF FIRST; FOR EXAMPLE, RESOLUTION WELCOMES DECISION TO INVITE AFRICAN NLMS BUT DOES NOT BOTHER TO RECOMMEND THAT SECOND SESSION DO LIKEWISE, CLEARLY INDICATING THAT GA ASSUMED THAT INVITATION DECISIONS OF FIRST SESSION CARRY THROUGH TO SECOND SESSION AS WELL.

4. WE REQUEST YOU CONVEY THE ABOVE TO MOFA LEGAL DIVISION AT EARLIEST POSSIBLE OPPORTUNITY. FURTHER YOU SHOULD MAKE EVERY EFFORT TO ENCOURAGE GOK TO ATTEND CONFERENCE. FYI. WE EXPECT VOTING ON PRG ISSUE TO BE EXTREMELY CLOSE AND FAVORABLE SUPPORT FROM KENYA WOULD HAVE SIGNIFICANT IMPACT IN RALLYING OTHER WAVERING MODERATE AFRICAN DELEGATIONS TO OUR SIDE. END FYI. SHOULD GOK STATE IT CANNOT AFFORD EXPENSE OF SENDING DELEGATION TO GENEVA, YOU SHOULD URGE IT TO CONSIDER ACCREDITING OFFICIAL FROM NEARBY EMBASSY TO ATTEND CONFERENCE IF ONLY FOR VOTE ON PRG ISSUE WHICH SHOULD TAKE PLACE NLT FEBRUARY 14. U.S. DEL, DEPUTY LEGAL ADVISOR GEORGE ALDRICH, WILL BE MOST WILLING TO DISCUSS ANY FURTHER QUESTIONS ON PROCEDURAL MATTERS WITH GOK DEL. KISSINGER

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